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August 19, 1997

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE PRESENTATION

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: *In the Matters of American Communications Services, Inc.'s Petition for Declaratory Ruling Regarding Preemption of the Arkansas Telecommunications Regulatory Reform Act of 1997 and MCI Telecommunications Corporation's Petition for Expedited Declaratory Ruling Regarding Preemption of the Arkansas Telecommunications Regulatory Reform Act of 1997, CC Docket No. 97-100*

Dear Mr. Caton:

Pursuant to a request of Common Carrier Bureau staff members, enclosed please find photocopies of several publicly available documents, including (1) Arkansas Public Service Commission (Ark. PSC) Order No. 8, Docket No. 97-040-R (dated July 24, 1997); (2) Ark. PSC Order No. 9, Docket No. 97-040-R (dated July 29, 1997); (3) Ark. PSC Telecommunications Providers Rules; (4) Ark. PSC Rules of Practice and Procedure; (5) Southwestern Bell Telephone Company's Motion for Reconsideration of Order No. 6, Docket No. 97-197-U (filed July 21, 1997); and (6) General Staff of the Arkansas Public Service Commission Response to Motion of Consideration [sic] of Order No. 6, Docket No. 97-197-U (filed July 31, 1997).

In accordance with the Commission's rules, an original and two copies of this letter are submitted herewith. Should you have any questions concerning the foregoing, do not hesitate to contact me.

Very truly yours,

Todd F. Silbergeld

Enclosures

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cc: Ms. Newman, Mr. Starr, Ms. Hom

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ARKANSAS
PUBLIC SERVICE COMMISSION

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IN THE MATTER OF A RULEMAKING TO)
IDENTIFY, REPEAL AND/OR AMEND RULES) DOCKET NO. 97-040-R
AND REGULATIONS IN COMPLIANCE WITH) ORDER NO. 8
ACT 77 OF 1997)

ORDER

On February 6, 1997, the Commission entered Order No. 1 initiating this Docket in compliance with §11(d) and (e) of 1997 Ark. Act 77 (Act 77). §11(d) and (e) of Act 77 provide that:

- (d) Not later than 180 days after the effective date of this Act, the Commission shall conduct a rule making proceeding to identify and repeal all rules and regulations relating to the provision of telecommunications service which are inconsistent with, have been rendered unnecessary by, or have been superseded by either this Act or the Federal Act [Telecommunications Act of 1996].
- (e) Not later than 180 days after the effective date of this Act, the Commission shall revise its rules so that they apply, except as expressly provided in this Act, equally to all providers of basic local exchange service.

In Order No. 1, the Commission established a procedural schedule for the filing of comments and scheduled a public hearing. The Commission directed the parties to "identify with specificity those rules and regulations or parts thereof affected by Act 77 and the specific action which should be taken, including specific proposed modifications or amendments to rules and regulations so identified, and initial comments should include specific proposed revisions pursuant to Act 77, §11(e)." Comments and reply comments were filed by the Incumbent Local Exchange Carriers (ILECs), ALLTEL Arkansas, Inc. and ALLTEL Communications, Inc. (ALLTEL), AT&T Communications of the Southwest, Inc. (AT&T), the Attorney General (AG)

and the Staff of the Public Service Commission (Staff). A public hearing was held on May 27, 1997.

The ILECs proposed extensive revision of the Commission's rules, including revision of the Commission's Rules of Practice and Procedure (RPPs) and a new set of rules to be known as the Telecommunications Providers Rules (TPR). The ILECs propose to duplicate sections of Act 77 as rules. The ILECs propose combining selected sections of the General Service Rules with the Special Rules - Telecommunications (SRT) and the Rules for Interexchange Service Providers (IXC Rules) to form the TPR. In combining the rules into the TPR, the ILECs also proposed amendments to the existing rules which they propose to consolidate in the TPR.

In the revised rules, the ILECs propose to reduce the quality of service prescribed in the rules and give telecommunications providers greater discretion to impose charges on customers unrelated to the charges for telephone service. Proposed TPR 6.13(I), T. 606-7. The ILECs propose to add rules such as TPR 5.02 which would allow a telecommunications provider to issue additional bills to customers outside the normal billing cycle. The ILECs' proposed TPR 5.02 would allow a shut off notice to be issued five days after the additional bill was mailed, thus, allowing the customer very little time to pay this unexpected telephone bill. If all telephone customers in the state had access to multiple local exchange providers for service, many of the ILEC proposed rule changes might be acceptable. However, few, if any, telephone customers in the state actually have the option of choosing another local exchange provider for basic local service at this time and in many areas of the state, telephone customers may never have this option.

For the majority of the ILEC's proposed changes in the TPR, the ILECs could not demonstrate that the existing rules "were inconsistent with, have been rendered unnecessary by, or have been superseded by either this Act or the Federal Act." Act 77, §11(d). The ILEC witness, Mr. John Strode, President of E. Ritter Telephone Company, testified that the ILECs proposed TPR 13.04(a) which changed the definition of business service from "substantial use of the service is business related rather than domestic" [STR 3.04(a)] to "use of the service for

business-related purposes is more than nominal" [ILEC TPR 13.04]"was an effort to try to clarify a little bit what is a business phone." [Emphasis added] T. 615. However, Mr. Strode conceded that the proposed definition is not clearer and it lowered the threshold of business related usage necessary before a telecommunications provider could charge business rates for service. He also could not cite any justification for this proposed change in Act 77 or the Federal Act. Mr. Strode testified that other ILEC proposed changes in the rules were not directly related to Act 77 or the Federal Act.

The AG appropriately summarized the ILEC proposed TPRs stating that:

[I]n consolidating these rules, the LECs have done more than merely eliminate redundancies and make changes necessitated by Act 77 and the Federal Act. The LECs have used the opportunity to try to eliminate provisions in the current rules that they do not like, and to add other provisions that they would like to see added. They do so without providing any explanation or justification for these substantial changes; the LECs do not even acknowledge that they are proposing substantial and unnecessary changes. The AG asks the Commission to reject this efforts of the LECs to exceed the scope of this docket. T. 288.

The ILECs and the AG both recommend that the rules incorporate broad sections of Act 77. In particular, both parties recommend that large portions of §12 of Act 77 be included in the rules but the ILECs propose adding some language which is not in §12 to their proposed rules. The language the ILECs propose to add to §12 in RPP 9.17 is not consistent with §12 of Act 77.

Staff contends that the wholesale repetition of Act 77 within the rules is unnecessary. Staff points out in its Post-Hearing Reply Brief that "company personnel and Staff are expected to be familiar with relevant laws affecting telecommunications providers. There are many relevant statutory provisions in Title 23 of the Arkansas Code which do not appear in Commission rules." Staff Reply Brief at 1. Statutes which do not appear in Commission rules are still valid and enforceable without being copied into Commission rules. Rules are meant to provide any needed explanation of statutes and to provide any procedure necessary to implement statutes. Rules are not meant to be a mere repetition of statutes.

In its Post-Hearing Reply Brief, Staff contends that the ILECs overused §2 of Act 77 to support the ILECs extensive changes in the rules and "have eliminated too many rules for themselves and imposed too many new rules on IXCs." Staff Reply Brief at 2. Staff's proposed rules provide that all companies providing interexchange service are subject to the same regulations and companies providing local exchange service are subject to the same regulation. Staff states that "differing levels of competition in those different service areas is the reason for distinguishing the regulatory treatment. Staff believes regulating all telecommunications providers uniformly by service is consistent with Act 77 and the Federal Act." Id. at 3.

The Staff proposed rules, as amended, are consistent with §11(e) of Act 77 in proposing rules which "apply, except as expressly provided in this Act, equally to all providers of basic local exchange service." Act 77, 11(e). Staff has proposed rules which recognize the differing regulatory requirements for non-electing ILECs, electing ILECs and CLECs. The Staff's proposed rules also recognize that different services and service providers, such as interchange carriers (IXCs) are subject to different levels of competition and, therefore, should be subject to different forms of regulations. This is consistent with Act 77.

Staff, like the ILECs, proposes the consolidation of the General Service Rules, SRT and the IXC Rules. To the extent that the proposed revision of the General Service Rules is applicable only to telecommunications providers and does not have any substantial impact on the applicability of any General Service Rules to other public utilities subject to the Commission's jurisdiction, the proposed TPR's fall within the scope of the Commission's notice of proposed rulemaking. The proposed consolidation of rules into the TPR is consistent with Act 77 in recognizing that Act 77 intends that electing ILECs and CLECs are to be subject to a different form of regulation.

The Administrative Law Judge (ALJ) finds that the Rules of Practice and Procedure proposed by Staff and the Telecommunications Provider Rules proposed by Staff, as amended by Staff witness John Bethel are in compliance with Order No. 1 and are hereby adopted. T. 308-581, 621-24. The Staff is hereby directed to file the revised rules adopted herein in final form on

or before 2:00 p.m. on July 31, 1997. The revised rules shall be effective August 1, 1997.

In its Initial Comments, Staff states that twenty-one ILECs requested and were granted waivers from filing annual reports pursuant to Ark. Code Ann. §23-2-308. In each ILEC request for waiver, the ILEC requested a waiver of the requirement to file an annual report pending the revision of the Commission's rules and regulations in Docket No. 97-040-R. Staff contends in its Initial Comments that at a minimum, "each LEC should be required to submit a complete annual report for the year ending December 31, 1996." T. 266.

The ILECs allege in their Reply Comments that it was the intent of Act 77 "to abolish unnecessary and outdated regulations, and the annual reports to be submitted by electing companies are no longer needed for any Commission purpose." T. 272. When asked which rules the ILECs proposed to modify with regard to the annual reports filed by utilities, Mr. Strode, the ILEC witness, responded that annual reports "are not specifically set out in the rules anywhere . . ." T.601. He further stated that "I can't point you to a specific rule that sets out the form of the annual report. I don't believe that rule exists . . . I believe there's a statute that requires companies to make annual reports to the Commission in the form prescribed by the Commission." T. 601.

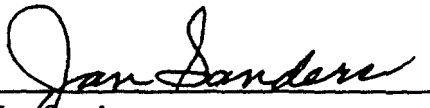
Contrary to the petitions for waiver filed by a number of ILECs, the requirement to file annual reports is not dependent on the outcome of this Docket. As the ILECs' witness testified, there are no Commission rules on the filing of annual reports and the ILECs did not propose any modification or amendment of any Commission rules regarding annual reports. The requirement to file annual reports is set forth in Ark. Code Ann. §23-2-308. §11(f) of Act 77 exempts electing ILECs and CLECs from certain statutes but it does not exempt electing ILECs and CLECs from Ark. Code Ann. §23-2-308.

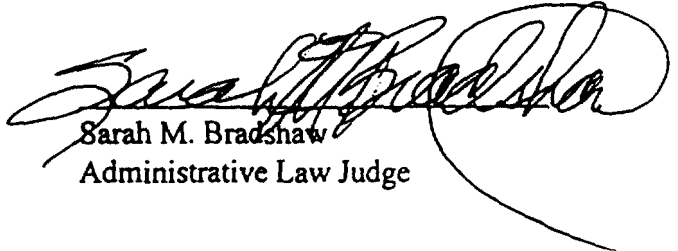
The annual report issue is beyond the scope of this proceeding. It is a statutory provision and it is not based upon any Commission rule which has been modified or amended in this Docket. The statute remains applicable to the ILECs regardless of the outcome of this proceeding.

In its Post Hearing Brief, ALLTEL contends that the proposed ILEC rules do not go far enough in exempting electing LEC and CLECs from regulation. However, ALLTEL did not raise this issue until after the hearing. The issues raised in ALLTEL's Post Hearing Brief were not raised in a timely manner and need not be addressed.

BY ORDER OF THE ADMINISTRATIVE LAW JUDGE PURSUANT TO
DELEGATION.

This 24th day of July, 1997.


Jan Sanders
Secretary of the Commission


Sarah M. Bradshaw
Administrative Law Judge

FILED

DOCKET NO. 97-040-R
ORDER NO. 9

The Commission hereby adopts Order No. 8 entered by the assigned Administrative Law Judge on July 24, 1997. Therefore, the Commission adopts the Rules of Practice and Procedure, General Service Rules and Telecommunications Provider Rules as proposed in this proceeding by the General Staff of the Public Service Commission and repeals the Special Rules - Telecommunications and the Rules for Interexchange Carriers, effective August 1, 1997.

Contrary to the petition for waiver filed by a number of ILECs, the requirement to file annual reports is not dependent on the outcome of this Docket. As the ILECs' witness testified, there are no Commission rules on the filing of annual reports and the ILECs did not propose any modification or amendment of any Commission rules regarding annual reports. The requirement to file annual reports is set forth in Ark. Code Ann. §23-2-308. §11(f) of Act 77 exempts electing ILECs and CLECs from certain statutes but it does not exempt electing ILECs and CLECs from Ark. Code Ann. §23-2-308. Order No. 8 at 5.

Further, the ALJ found that the filing of annual reports is a statutory provision which remains applicable to local exchange telephone companies (LECs) regardless of the outcome of

[illegible]

this rulemaking proceeding. The Commission agrees. Based upon the record herein, the Commission hereby rescinds the orders granting the petitions for waiver in the following

Dockets:

97-054-U	97-080-U	97-140-U
97-055-U	97-081-U	97-147-U
97-060-U	97-084-U	97-166-U
97-061-U	97-090-U	97-170-U
97-066-U	97-095-U	97-171-U
97-073-U	97-098-U	97-172-U
97-074-U	97-099-U	97-173-U
97-077-U	97-100-U	97-174-U
97-078-U	97-124-U	97-179-U
97-079-U		

All companies granted petitions for waivers in the above referenced Dockets are hereby ordered to file an annual report for the year ending December 1996, pursuant to Ark. Code Ann. §23-2-308 on or before 2:00 p.m. on September 2, 1997. Further, the Secretary of the Commission is directed to file a copy of this order in each of the above-listed dockets.

BY ORDER OF THE COMMISSION.

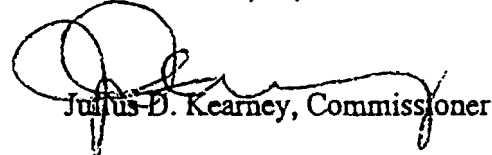
This 29th day of July, 1997.



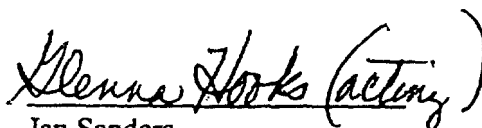
Lavenski R. Smith, Chairman



Sam I. Bratton, Jr., Commissioner



Julius D. Kearney, Commissioner



Jan Sanders

Secretary of the Commission

ARKANSAS PUBLIC SERVICE COMMISSION



TELECOMMUNICATIONS PROVIDERS RULES

TELECOMMUNICATIONS PROVIDERS RULES

TABLE OF CONTENTS

	PAGE
DEFINITIONS.....	D-1

I. GENERAL

SECTION 1. APPLICABILITY, SCOPE AND GENERAL REQUIREMENTS

1.01.	Applicability.....	1-1
1.02.	Purpose and Scope.....	1-1
1.03.	Exemption from Rules.....	1-1
1.04.	Duties Under the Law.....	1-2
1.05.	Discrimination Prohibited.....	1-2
1.06.	Retaliation Prohibited.....	1-2
1.07.	Availability of Rules.....	1-2
1.08.	Interest Payment on Deposits.....	1-3
1.09.	Service Availability.....	1-3
1.10.	Safe and Adequate Service.....	1-3
1.11.	Construction Standards.....	1-3
1.12.	Facility Identification.....	1-4
1.13.	Marking Locations of Underground Facilities.....	1-4

II. LOCAL SERVICE

SECTION 2. CUSTOMER RELATIONS

2.01.	Service Information.....	2-1
2.02.	Directory Listing for Billing and Services.....	2-3
2.03.	Customer Notice of Rule and Service Changes.....	2-3
2.04.	Service, Usage, and Billing History Information..	2-3
2.05.	Customer Service.....	2-4
2.06.	Complaints to the Local Exchange Carrier.....	2-4
2.07.	Complaints to the Commission.....	2-6

SECTION 3. APPLICATION FOR SERVICE

3.01.	Application for Service.....	3-1
3.02.	Application Form - Submission Requirements.....	3-2
3.03.	Extension of Service.....	3-2
3.04.	Refusing Service.....	3-3
3.05.	Disputed Charge: Providing Service.....	3-5

SECTION 4. DEPOSITS

4.01.	Deposits from Applicants.....	4-1
4.02.	Deposits from Customers.....	4-3
4.03.	Calculation of Average Bill.....	4-5
4.04.	Guaranty in Place of a Deposit.....	4-5
4.05.	Refunding Deposits.....	4-7
4.06.	Deposits and Customer Name Changes.....	4-8
4.07.	Deposits and Changes in Service Locations.....	4-8

SECTION 5. BILLING

5.01.	Information on Bill.....	5-1
5.02.	Bill Form - Submission Requirements.....	5-2
5.03.	Billing Periods and Standards.....	5-2
5.04.	Mailing Date.....	5-3
5.05.	Due Dates.....	5-3
5.06.	Late Payment.....	5-3
5.07.	Late Payment Charges.....	5-3
5.08.	Extended Due Date Policy.....	5-4
5.09.	Extended Absence Payment Procedure.....	5-5
5.10.	Method of Payment.....	5-5
5.11.	Returned Check Charge.....	5-5
5.12.	Partial Payments.....	5-8
5.13.	Overpayments.....	5-5
5.14.	Billing Corrections.....	5-6
5.15.	Transferring Past Due Balances to Other Accounts.....	5-7

SECTION 6. SUSPENSION, TERMINATION AND RECONNECTION OF SERVICE

6.01.	Authorized Suspension.....	6-1
6.02.	Unauthorized Suspension.....	6-2
6.03.	Bankruptcy.....	6-2
6.04.	Notification of Suspension of Service.....	6-3
6.05.	Shut-Off Notice - Submission Requirements.....	6-3
6.06.	Third-Party Notification of Suspension.....	6-3
6.07.	Form and Contents of Shut-Off Notice.....	6-3
6.08.	Payment Requirements to Prevent Suspension.....	6-4
6.09.	Suspension Procedures.....	6-5
6.10.	Closing Suspended Accounts.....	6-5
6.11.	Reconnection of Service.....	6-6
6.12.	Delayed Payment Agreement and Extension Agreement.....	6-6
6.13.	Delayed Payment Agreement - Submission Requirements	6-10
6.14.	Agency Guaranty of Payment.....	6-10
6.15.	Medical Need for Telecommunications Service.....	6-11
6.16.	Elderly and Handicapped.....	6-14
6.17.	Stopping Service at Customer Request.....	6-16

SECTION 7. RECORDS AND REPORTS

7.01.	Application Records.....	7-1
7.02.	Account Records.....	7-1
7.03.	Deposit Records.....	7-2
7.04.	Complaint Records.....	7-2
7.05.	Test and Inspection Records.....	7-2
7.06.	Service Outage Records.....	7-3
7.07.	Location of Records.....	7-3
7.08.	Retention of Records.....	7-3
7.09.	Construction Records and Plans.....	7-3
7.10.	Trouble Report Records.....	7-3
7.11.	Maps and Associated Records.....	7-4
7.12.	Central Office Line and Terminal Records.....	7-4
7.13.	Reports to the Commission.....	7-5

SECTION 8. GENERAL SERVICE STANDARDS

8.01.	Extensions, Additions, Repairs, Changes and Improvements.....	8-1
8.02.	Service Interruptions.....	8-1
8.03.	Emergency Repair Service and Telephone Number....	8-2
8.04.	Emergency Response to Outages.....	8-2

SECTION 9. OPERATIONS

9.01.	Service Connections.....	9-1
9.02.	Extension of Facilities.....	9-3
9.03.	Business and Residential Service.....	9-4
9.04.	Intercept Service.....	9-5
9.05.	Minimum Grade of Service.....	9-5
9.06.	Telephone Directories.....	9-5
9.07.	Local Telephone Numbers.....	9-7
9.08.	Base Rate Area Boundaries.....	9-7
9.09.	Switched Services.....	9-7

SECTION 10. MAINTENANCE

10.01.	Restoration of Service.....	10-1
10.02.	Inspection and Repair of Plant Facilities.....	10-2
10.03.	Central Office Maintenance Program.....	10-2
10.04.	Tree Trimming.....	10-2
10.05.	Local Exchange Carrier Testing Responsibility...10-3	
10.06.	Trouble Report Evaluations.....	10-4
10.07.	Electrical Power Influence.....	10-4
10.08.	System and Equipment Protection.....	10-5

SECTION 11.QUALITY STANDARDS

11.01.	Adequate Facilities.....	11-1
11.02.	Repair Service Answering Time.....	11-1
11.03.	Local Exchanger Traffic Capability.....	11-1
11.04.	Inter-office Traffic Capability.....	11-2
11.05.	Local Exchange Central Office Call Completion...	11-2
11.06.	Emergency Power Operation.....	11-2
11.07.	Transmission Standards.....	11-2

III. INTEREXCHANGE SERVICE

SECTION 12. PROVISION OF SERVICE, CERTIFICATION AND BILLING

12.01.	Provision of Service.....	12-1
12.02.	Certification.....	12-1
12.03.	Records.....	12-1
12.04.	Required Billing Information.....	12-1
12.05.	Over- and Underbilling.....	12-2
12.06.	Wrong Number Credit.....	12-2
12.07.	Prepaid Services.....	12-2
12.08.	Deposits.....	12-2

SECTION 13. OPERATOR SERVICES

13.01.	Operator Services - Aggregator Location.....	13-1
13.02.	Operator Services - Answering Time.....	13-3

SECTION 14. PUBLIC TELEPHONE SERVICE

14.01.	Public Telephone Service.....	14-1
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TELECOMMUNICATIONS PROVIDERS RULES

ADMINISTRATIVE HISTORY

<u>Docket</u>	<u>Date</u>	<u>Order</u> <u>No.</u>	<u>Subject Matter of Docket/Order</u>
97-040-R	7-24-97	8	Consolidates rules for telecommunications providers and amends rules to comply with the Arkansas Regulatory Reform Act of 1997.

DEFINITIONS

Access Code

A sequence of numbers that when dialed, connect the caller to an interexchange carrier or provider of operator services associated with that sequence.

Aggregator

Any person or entity, excluding local exchange carriers and commercial mobile service providers, that, in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises, for intrastate telephone calls using a provider of operator services.

Applicant

Any person or entity requesting telecommunications service.

Automated Message Delivery Services (AMDS)

A service which provides a consumer who receives a busy signal or no answer the option to automatically leave a message for subsequent delivery.

Base Rate Area

A populated geographical area within the exchange service area in which local exchange service is furnished at the same rate to all subscribers without line mileage or construction charges. A map and legal description of every base rate area must be filed as a tariff.

Branding

The process by which an operator service provider audibly and distinctly identifies itself to every person using its operator services.

Business Office

A location designated by a telecommunications provider where an individual may arrange for service connection, make or arrange to make payments on his bill, and ask questions regarding service or the status of his account.

Busy Hour

Within the busy season, the sixty minute period during which a specific central office switch processes the greatest volume of telecommunications traffic.

Busy Season

Within a calendar year, the period of time during which a specific central office switch processes the greatest volume of telecommunications traffic.

Central Office

A switching unit in a telecommunications system where connections are made between customers' lines, and between customers' lines and local or toll trunks.

Character of Service

The distinguishing features that identify the type of service provided to the customer, for example, call waiting service.

Class of Service

A customer group which has similar characteristics such as volume of use, time of use, extent of use and nature and purpose of use, as classified by the telecommunications provider. For example, the business or residential class of service.

Closed or "Finaled" Account

A permanent shut-off of service by a telecommunications provider to a customer account.

Commission

The Arkansas Public Service Commission.

Competing Local Exchange Carrier or "CLEC"

A local exchange carrier that is not an incumbent local exchange carrier.

Complaint

Any objection from an applicant or customer concerning a charge, facility, rule, service, or other Commission-regulated activity that requires:

- (1) an investigation or an account review; and
- (2) corrective action by a telecommunications provider.

EXCEPTIONS:

Trouble reports, as defined in these Rules, and initial calls to the appropriate telecommunications provider resulting in unchallenged, voluntary toll adjustments by the telecommunications provider, shall not be considered complaints under this definition.

Customer

Any person or entity who has applied for and agreed to pay for telecommunications service.

Customer Premises Equipment

Telecommunications equipment which is located on a customer's premises, e.g., telephone instruments, PBX switches, etc.

Customer Premises Wiring

Telecommunications wiring which is located on a customer's premises between the point of demarcation and the customer premises equipment.

Demarcation Point

An identifiable point at a customer's premises where operation and maintenance responsibilities end for the telecommunications provider as defined in Part 68 of the Rules of the Federal Communications Commission.

Deposit

An amount paid to a telecommunications provider by an applicant or customer to guarantee payment for telecommunications service.

Digital Switching

A connection in which digitally encoded information is routed between an input and an output port by means of time-division multiplexing or self-routing cell procedures rather than over a dedicated circuit.

Electing Company

A local exchange carrier that elects to be regulated pursuant to Sections 6 through 8 or Section 12 of Act 77 of 1997.

Elderly Person

A residential customer who is at least 65 years old.

Eligible Telecommunications Carrier

The local exchange carrier determined in accordance with Act 77 of 1997.

Emergency

A situation in which property or human life is in jeopardy and the prompt summoning of aid is essential.

Extended Due Date

Regular monthly extension or change of a bill's due date by a telecommunications provider.

Equal Access Code

An access code that allows the public to obtain equal access connection to the carrier associated with that code.

Exchange Service Area

A unit established by a telecommunications provider for the administration of telecommunications service in a specified area for which a separate local rate schedule is provided. It may consist of one or more central offices together with associated plant facilities used in furnishing telecommunications services in that area.

Failure to Pay

Failure to pay includes payment by check, other negotiable instrument, or automatic draft that is dishonored by a bank for reasons other than bank error.

Handicapped Person

Any residential customer who is certified to the telecommunications provider as having a severe physical or mental impairment which substantially limits his ability to pay for telecommunications service. Certification shall be provided by a physician, licensed psychologist, the United States Veterans Administration, the Social Security Administration, the Arkansas Department of Human Services, the Arkansas State Hospital, or a licensed mental health center.

Incumbent Local Exchange Carrier or "ILEC"

With respect to a local exchange area, a local exchange carrier, including successors and assigns, that is certified by the Commission and was providing basic local exchange service on February 8, 1996.

Insufficient Funds Check

Any negotiable instrument such as a check or automatic bank draft dishonored by a bank for reasons other than bank error.

Intercept Service

A service provided by the telecommunication provider which intercepts calls placed to a disconnected telephone number and informs the calling party of the status of the called number.

Interest

Interest rate set annually by the Commission for customer deposits as required by Ark. Code Ann. § 23-4-206(b).

Interexchange Carrier

Any entity that is not a local exchange carrier and that provides interexchange communication services to the public for compensation in the State of Arkansas.

Interruption of Service

Temporarily stopping service for maintenance, testing, repair, or safety.

Local Exchange Carrier or "LEC"

A telecommunications provider of basic local exchange service and switched access service. Such term does not include commercial mobile service providers.

Operator Services - Aggregator Location

Any intrastate telecommunications service initiated from an aggregator location that includes, as a component, any automatic or live assistance to a consumer to arrange for billing or completion, or both, of any intrastate telephone call through a method other than automatic completion with billing to the telephone from which the call originated, or completion through an access code used by the consumer with billing to an account previously established with the carrier by the consumer.

Outage

An unplanned temporary loss of telecommunications service caused by a malfunction of or damage to telecommunications provider facilities. For example, a subscriber loop service outage exists if a dial tone is not obtained, signaling in either direction is disabled, or transmission standards are not maintained.

Payment Agent

A business located in the community which acts as an agent for the telecommunications provider by accepting payments from customers.

Payment Date

The date the telecommunications provider or its authorized agent receives payment on an account.

Physician

Any person licensed to practice medicine by the Arkansas State Medical Board or a comparable licensing authority of another state.

Pre-subscribed Provider of Operator Services

The intrastate provider of operator services to which the consumer is connected when the consumer places a call using a provider of operator services without dialing an access code.

Public Utility or Utility

A jurisdictional utility as defined by Ark. Code Ann. §23-1-101.

Rules or Commission Rules

These Telecommunications Providers Rules.

Serious Medical Condition

An illness or injury which results in a physician's determination that the loss of telecommunications service would give rise to a substantial risk of death or gravely impair health. A serious medical condition shall exist in the case of elderly persons or infant children under the age of 12 months if a physician certifies that the loss of telecommunications service will gravely impair health, regardless of the current existence of illness or injury.

Splashing

The transfer of a telephone call from one operator service provider to another in a manner that the subsequent provider is unable or unwilling to determine the location of the origination of the call and, because of such inability or unwillingness, is prevented from billing the call on the basis of the originating location.

Subscriber Loop

A telecommunications circuit which provides a telecommunications link between a customer's service location and the serving switch.

Suspension of Service

A temporary shut-off of service by a telecommunications provider without a customer request -- not an outage or an interruption of service.

Tariff

A rate schedule, service regulation, price list, or other document required to be filed as a tariff by the Commission's Rules of Practice and Procedure.

Telecommunications Provider or "TP"

Any person, firm, partnership, corporation, association, or other entity that offers telecommunications services to the public for compensation.

Telecommunications Services

The offering to the public for compensation the transmission of voice, data, or other electronic information at any frequency over any part of the electromagnetic spectrum, notwithstanding any other use of the associated facilities. Such term does not include radio and television broadcast or distribution services, or the provision of publishing of yellow pages, regardless of the entity providing such services, or services to the extent that such services are used in connection with the operation of an electric utility system owned by a government entity.

Telecommunications Traffic

A measure of the number of telecommunication calls processed during a specific period. The measure includes the distribution in time and the duration of calls.

Tier One Company

Any ILEC that, together with its Arkansas affiliates that are also ILECs, provided basic local exchange services to greater than one hundred fifty thousand (150,000) access lines in Arkansas as of February 4, 1997.

Trouble Report

Any verbal or written report given to a TP concerning an operational problem with facilities or equipment. Billing complaints shall not be considered as trouble reports for the purpose of this definition.

I. GENERAL

SECTION 1. APPLICABILITY, SCOPE AND GENERAL REQUIREMENTS

Rule 1.01. Applicability

These Rules shall apply to all TP whose activities bring them under the jurisdiction of the Commission except commercial mobile service providers.

Rule 1.02. Purpose and Scope

- A. These Rules set forth standards for service by each TP. These Rules are intended to ensure adequate service, prevent discrimination and unfair practices, and protect both the consumers and TPs from unreasonable demands.
- B. Any service regulation, policy, procedure, rule, or service application, except those approved in special contracts by this Commission or permitted by Act 77 of 1997, that conflicts with these Rules is void and unlawful, unless the TP files a formal application for an exemption and the Commission approves it. These Rules are not intended to, and do not, affect or replace any Commission-approved regulation, policy, procedure, rule, or service application of any TP which addresses items other than those covered in these Rules.
- C. Unless the context otherwise requires, wherever the masculine gender is used in these Rules, it shall include the feminine gender.
- D. Unless the context otherwise requires, wherever the singular form of a word is used in these Rules, it shall include the plural form, and wherever the plural form is used, it shall include the singular.

Rule 1.03. Exemption from Rules

Amendments or exemptions to the Commission's Rules may be granted by the Commission in conformity with the Commission's Rules of Practice and Procedure, or as otherwise provided within these Rules.

Rule 1.04. Duties Under the Law

These Rules shall in no way relieve any person or entity of any duty under the laws of the State of Arkansas or the United States of America.

Rule 1.05. Discrimination Prohibited

A TP shall not unlawfully discriminate against an applicant for service or an existing customer in the provision of telecommunications service based on race, color, creed, religion, national origin, sex, marital status, or receipt of public assistance.

Rule 1.06. Retaliation Prohibited

A TP shall not retaliate against any applicant or customer for exercising a right or enforcing an obligation created by any Commission Rule or for acting within the law.

Rule 1.07. Availability of Rules

A. Telecommunications Providers

(1) To Employees

Employees of a TP who are responsible for the application and explanation of any of these Rules shall have ready access to those Rules which apply to their respective job responsibilities. Ready access to the Rules means that they are easily accessible to an employee in his work area at the TP's offices.

(2) To Members of the Public

Each TP shall provide a copy of any pertinent part of these Rules to an applicant or customer upon request.

B. Arkansas Public Service Commission

These Rules shall be on display and available for inspection in the Office of the Secretary of the Commission. A copy of the Rules will be provided to any member of the public upon request.